

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kimberly Eldridge	Team: Team # 3	CCRB Case #: 201103853	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/26/2011 4:31 PM	Location of Incident: 75th Street and the Long Island Expressway; inside the 104th Precinct stationhouse	Precinct: 104	18 Mo. SOL 9/26/2012	EO SOL 9/26/2012	
Date/Time CV Reported Sun, 03/27/2011 10:06 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 03/27/2011 10:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Wright	21501	935991	104 PCT
2. POF Maritza Mendez	04169	907722	104 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ewa Lapinska	04945	935158	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Maritza Mendez	Discourtesy: Officer Maritza Mendez spoke obscenely to § 87(2)(b) at the intersection of the Long Island Expressway and 75th Street in Queens.	
B.POF Maritza Mendez	Abuse: Officer Maritza Mendez threatened § 87(2)(b) with the use of force at the intersection of the Long Island Expressway and 75th Street in Queens.	
C.POM Anthony Wright	Abuse: Officer Anthony Wright searched the car in which § 87(2)(b) was an occupant at the intersection of the Long Island Expressway and 75th Street in Queens.	
D.POM Anthony Wright	Discourtesy: Officer Anthony Wright spoke obscenely to § 87(2)(b) at the intersection of the Long Island Expressway and 75th Street in Queens.	
E.POF Maritza Mendez	Abuse: Officer Maritza Mendez strip-searched § 87(2)(b) at the 104th Precinct station house.	
§ 87(4-b) § 87(2)(g)		

### Case Summary

On March 27, 2011, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System on behalf of his daughter, § 87(2)(b). § 87(2)(b) was not present for this incident. On March 27, 2011, § 87(2)(b) filed this complaint via phone with IAB. On March 31, 2011, IAB forwarded § 87(2)(b)'s complaint to the CCRB under log number 11-12079. At 4:31PM on March 26, 2011, Officer Maritza Mendez and Officer Anthony Wright arrested § 87(2)(b) at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens. The following allegations resulted from the officers' actions:

- **Allegation A) Discourtesy: Officer Maritza Mendez spoke obscenely to § 87(2)(b) at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**
- **Allegation B) Abuse of Authority: Officer Maritza Mendez threatened § 87(2)(b) with the use of force at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**
- **Allegation D) Discourtesy: Officer Anthony Wright spoke obscenely to § 87(2)(b) at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**

§ 87(2)(g)

- **Allegation C) Abuse of Authority: Officer Anthony Wright searched the vehicle in which § 87(2)(b) was an occupant at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**

§ 87(2)(g)

- **Allegation E) Abuse of Authority: Officer Maritza Mendez strip-searched § 87(2)(b) inside of the 104<sup>th</sup> Precinct stationhouse.**

§ 87(2)(g)

- § 87(4-b) § 87(2)(g)

### Results of Investigation

#### Civilian Statements

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) is a white female who is 5'7" tall and weighs 115 pounds. § 87(2)(b) has light brown hair and brown eyes. § 87(2)(b) was § 87(2)(b) old at the time of this incident.

#### CCRB Statement

On April 28, 2011, § 87(2)(b) was interviewed at the CCRB (enc.C5-C10). § 87(2)(b)'s statement is summarized below.

On the afternoon of March 26, 2011, § 87(2)(b) and her friend, § 87(2)(b) were smoking marijuana in a red Toyota Prius (belonging to § 87(2)(b)'s mother) that was legally parked at the intersection of 75<sup>th</sup> Street and the Long Island Expressway in Queens. § 87(2)(b) was in the driver's seat and § 87(2)(b) was in the front passenger seat. The windows were rolled up, but are not tinted. At approximately 4:30PM, a small silver sedan pulled up along the passenger side of the vehicle. PO1, a stocky Hispanic female who was shorter than 5'7" tall, dressed in plainclothes, and who was identified via the investigation as Officer Maritza Mendez of the 104<sup>th</sup> Precinct, and PO2, a well-built, 5'9" tall Hispanic

male, with dark hair and dark eyes who was dressed in plainclothes, and was identified via the investigation as Officer Anthony Wright of the 104<sup>th</sup> Precinct, were inside of the vehicle. The officers looked into § 87(2)(b)'s vehicle, pointed at her, and said something to the effect of “that’s the troublemaker.” At the time, § 87(2)(b) was holding the marijuana cigarette down in her lap. There was only a small piece of the cigarette left. Neither § 87(2)(b) nor § 87(2)(b) was high at the time.

Officer Mendez and Officer Wright exited their vehicle. Officer Mendez approached § 87(2)(b)'s side of the vehicle while Officer Wright approached the passenger side. Officer Wright ordered § 87(2)(b) out of the vehicle and handcuffed her without incident. Officer Mendez ordered § 87(2)(b) out of the vehicle. § 87(2)(b) complied, but asked Officer Mendez why she and § 87(2)(b) were stopped. Officer Mendez told § 87(2)(b) to “Shut up.” § 87(2)(b) however, continued to ask why she was stopped and whether she was under arrest. § 87(2)(b) spoke with Officer Mendez in a conversational tone, and never raised her voice or used profanity towards either officer. Officer Mendez stated to § 87(2)(b) “Shut the fuck up, bitch, before I beat the shit out of you and mace you in your eyes.” Officer Mendez then handcuffed § 87(2)(b) without incident.

Officer Wright placed § 87(2)(b) in the backseat of the police vehicle. Officer Mendez conducted a brief frisk and search of § 87(2)(b) before placing her in the backseat of the police vehicle. § 87(2)(b) and § 87(2)(b) each had a pair of sunglasses that Officer Mendez took from them. Officer Wright returned to § 87(2)(b)'s vehicle and searched it. Officer Wright leaned into the passenger side of the vehicle and utilized his flashlight to look underneath and behind the front passenger seat. In doing so, Officer Wright moved the seat all the way back and then forward again. Officer Mendez opened the glove compartment of § 87(2)(b)'s vehicle and placed both pairs of sunglasses inside before shutting it again. Handbags belonging to § 87(2)(b) and § 87(2)(b) were on the floor under the front passenger side seat. Officer Mendez leaned into the vehicle via the driver’s side, pulled the bags onto the driver’s side seat, and searched them. § 87(2)(b) noted that she had \$326 dollars inside of her bag and that when she later retrieved it, \$300 was missing. § 87(2)(b) filed a separate complaint with IAB in regards to her missing money, and the IAB investigation is ongoing.

As Officer Mendez searched the bags, § 87(2)(b) leaned forward in her seat and craned her neck upwards in an effort to observe what Officer Mendez and Officer Wright were doing. In response, both Officer Mendez and Officer Wright repeatedly told § 87(2)(b) “Don’t fucking move.” § 87(2)(b) stated that she was not moving, but leaned back against the car seat. After searching both handbags, Officer Mendez placed them inside of the trunk of § 87(2)(b)'s vehicle. Officer Wright and Officer Mendez then returned to the police vehicle and transported § 87(2)(b) and § 87(2)(b) to the 104<sup>th</sup> Precinct. The officers left § 87(2)(b)'s vehicle parked at the intersection of 75<sup>th</sup> Street and the Long Island Expressway. The vehicle was later picked up by § 87(2)(b)'s parents.

During transport a small bag of marijuana fell out of § 87(2)(b)'s pocket and onto the backseat of the police vehicle. § 87(2)(b) noted that the bag of marijuana was deep inside of her pocket and it had not been recovered during the search that Officer Mendez had conducted prior to placing her into the vehicle. Upon arriving at the 104<sup>th</sup> Precinct, the officers brought § 87(2)(b) and § 87(2)(b) to the front desk. Shortly thereafter, they were removed to the holding cell area. § 87(2)(b) did not hear any conversation between the officers and the desk sergeant, identified via the investigation as Sergeant Ewa Lapinska. Immediately after arriving in the holding cell area, Officer Mendez led § 87(2)(b) into a nearby bathroom and closed the door. Officer Mendez and § 87(2)(b) were the only people in the bathroom at the time. Officer Mendez removed the handcuffs from § 87(2)(b)'s wrists. § 87(2)(b) was wearing skinny jeans, a long sleeved t-shirt, and a brown parka. § 87(2)(b) removed her jacket. Officer Mendez told § 87(2)(b) to lift up her shirt. § 87(2)(b) complied, at which time Officer Mendez felt around the bottom of § 87(2)(b)'s bra, lifted the bottom outward, and shook it out. Officer Mendez then told § 87(2)(b) to push her pants down to her knees. § 87(2)(b) complied. Officer Mendez shook and twisted § 87(2)(b)'s pants, presumably to see if anything would fall out. Officer Mendez then pulled § 87(2)(b)'s underwear out at the waistband and

looked down the front. Officer Mendez then told § 87(2)(b) to pull her pants back up. After § 87(2)(b) fixed her clothing, Officer Mendez lodged her in the holding cell. § 87(2)(b) was charged with possession of marijuana.

**Witness:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white female who is 5' tall and weighs 120 pounds. § 87(2)(b) has dark brown hair and brown eyes. The aforementioned pedigree information was obtained from the pedigree information listed on § 87(2)(b)'s arrest photo.

**CCRB Phone Statement**

On September 15, 2011, § 87(2)(b) provided a brief phone statement in which she recounted what occurred after Officer Wright and Officer Mendez approached her and § 87(2)(b) as they sat inside of § 87(2)(b)'s vehicle (enc. C11). § 87(2)(g)

Officer Wright approached the passenger's side of the vehicle while Officer Mendez approached the driver's side. Officer Wright was "very nice" and did not say much of anything to § 87(2)(b) or § 87(2)(b). § 87(2)(b) dealt exclusively with Officer Wright, who handcuffed her and placed her into the police vehicle. § 87(2)(b) was inside of the police vehicle for much of the time that § 87(2)(b) appeared to be interacting with Officer Mendez, but did hear Officer Mendez shout to § 87(2)(b) "I'm going to beat the shit out of you!" § 87(2)(b) also recalled that Officer Mendez accused § 87(2)(b) of resisting arrest. Officer Mendez did use additional profanity, but § 87(2)(b) could not recall the exact statements that she was making.

After § 87(2)(b) was handcuffed and placed inside of the police vehicle, she moved around a lot and shouted out that she needed/wanted a lawyer. Officer Mendez continued to curse at § 87(2)(b). § 87(2)(b) did not recall the exact profanity that Officer Mendez used at this time. § 87(2)(b) did not hear Officer Wright curse at § 87(2)(b). The officers searched § 87(2)(b)'s vehicle. Officer Mendez searched handbags belonging to § 87(2)(b) and § 87(2)(b) and told them that she was going to lock the handbags in the trunk so that they would not be visible inside of the vehicle. The officers then locked § 87(2)(b)'s car, took the car keys, and left it parked at the intersection. § 87(2)(b) and § 87(2)(b) were then removed to the 104<sup>th</sup> Precinct stationhouse.

**NYPD Statements**

**Subject Officer: OFFICER ANTHONY WRIGHT (104<sup>th</sup> Precinct)**

- Officer Anthony Wright is a § 87(2)(b)-old Black male who is 5'8" tall and weighs 190 pounds. Officer Wright has curly black hair and brown eyes.
- On March 26, 2011, Officer Wright worked from 2:00PM to 10:35PM. Officer Wright and his partner, Officer Maritza Mendez, were dressed in plainclothes and were assigned to the 104<sup>th</sup> Precinct's Conditions Unit. Officer Wright and Officer Mendez were assigned to an unmarked grey Ford Fusion, RMP number § 87(2)(b). Officer Wright was the operator and Officer Mendez was the recorder.

**Memo Book**

Officer Wright had several entries in his memo book regarding this incident (enc. D1-D2). At 4:15PM, Officer Wright and Officer Mendez conducted a car stop at the intersection of 75<sup>th</sup> Street and the Long Island Expressway in Queens. At 4:31PM, two females were placed under arrest and transported to the 104<sup>th</sup> Precinct.

**Arrest Paperwork**

Officer Wright completed a BADS arrest report and an OLBS worksheet for both § 87(2)(b) and § 87(2)(b) (enc. D3-D10). § 87(2)(a) 160.50

### **CCRB Statement**

On May 26, 2011, Officer Anthony Wright was interviewed at the CCRB (enc. D11-D13). Officer Wright's statement is summarized below.

On the afternoon of March 26, 2011, Officer Wright and Officer Mendez were patrolling the confines of the 104<sup>th</sup> Precinct. As they approached the intersection of 75<sup>th</sup> Street and the Long Island Expressway, Officer Wright smelled the odor of marijuana. Officer Wright and Officer Mendez were approximately one car length behind a Toyota Prius that was parked at the aforementioned corner. As they drove past the car, Officer Wright noticed that the Prius' windows were halfway down. Officer Wright looked over, at which time he smelled a strong odor of marijuana coming directly from the vehicle. There were two females inside of the vehicle. Both females looked at Officer Wright and Officer Mendez and the female in the front passenger seat, identified via the investigation as § 87(2)(b) bent forward and appeared to either reach under the seat or stuff something under the seat. Initially, Officer Wright thought that § 87(2)(b) could have had a weapon, because in his experience, the type of behavior that she had just displayed was indicative of someone trying to hide a weapon. Officer Wright then looked lower, at which time he observed § 87(2)(b) holding what he believed to be a marijuana cigarette near the floor of the passenger side of the vehicle. Officer Wright decided to stop and investigate the matter.

Officer Wright approached the passenger side of the vehicle while Officer Mendez approached the driver's side. When Officer Wright reached the front passenger window, he again smelled the strong odor of marijuana coming from inside of the vehicle. Officer Wright explained the reason for the stop. Officer Wright did not recall if he asked the females to step out of the car, but noted that they did end up outside of the car. As soon as the passenger side door was open, Officer Wright saw the marijuana cigarette on the floor of the car. It was at that time that § 87(2)(b) and the second female, § 87(2)(b) were under arrest. Officer Wright notified his supervisor as well as dispatch about the arrests. Officer Wright handcuffed § 87(2)(b) without incident. Officer Mendez handcuffed § 87(2)(b) and appeared to have trouble doing so. Officer Wright could not attest to what § 87(2)(b) was doing to make it difficult for Officer Mendez to handcuff her, but Officer Wright did repeatedly hear Officer Mendez state to § 87(2)(b) "Put your hands behind your back. Comply with the order. Put your hands behind your back." There was a minor argument between Officer Mendez and § 87(2)(b) but Officer Wright could not hear what exactly was being said between them. Officer Wright did not recall if Officer Mendez used profanity towards § 87(2)(b) and did not hear Officer Mendez threaten § 87(2)(b) with the use of pepper spray or any other kind of force. Officer Mendez frisked § 87(2)(b) and § 87(2)(b) before they were placed into the back of the police vehicle. Nothing was recovered during the frisks.

After § 87(2)(b) and § 87(2)(b) were secured in the RMP, Officer Wright searched their vehicle. Officer Wright looked under the seats and on top of the center console. Officer Wright looked inside of the center console as well as inside of the ashtray. Officer Wright was not sure if he opened or looked inside of the glove compartment. Officer Wright did not recall if he opened the trunk, but noted that because the vehicle was a hatchback, he was able to conduct a cursory glance of the rear of the vehicle. There was at least one handbag on either the floor or the seat of the vehicle, and Officer Wright searched the handbag as well. Officer Wright did not recall if Officer Mendez assisted him in the search of the vehicle. Officer Wright searched the vehicle incident to the arrests of § 87(2)(b) and § 87(2)(b). Officer Wright was looking for additional narcotics, weapons, and/or contraband. The marijuana cigarette was recovered. Prescription pills were found inside of one of the handbags. There was no additional contraband found during the search. For the duration of the incident, § 87(2)(b) was calm, but § 87(2)(b) was discourteous and used profane language. Officer Wright, however, did not recall any specific statements she may have made. Officer Wright did not respond to § 87(2)(b) and did not use

any profanity towards her. After searching the vehicle, Officer Wright locked it up and left it legally parked at the intersection. Officer Wright then contacted § 87(2)(b)'s mother (the vehicle was registered to her) and informed her that the vehicle could be picked up at the location. Officer Wright did not recall if additional officers responded to the location and did not believe that any did.

Officer Wright and Officer Mendez transported § 87(2)(b) and § 87(2)(b) back to the 104<sup>th</sup> Precinct. Before their tour began, Officer Wright and Officer Mendez searched their RMP for contraband as per procedure. Nothing was found. During transport, § 87(2)(b) was very fidgety in the back seat. Once they arrived at the precinct, the officers removed § 87(2)(b) and § 87(2)(b) from their vehicle and searched it again, at which time they found a small bag of marijuana stuffed along the side of the backseat. The officers brought § 87(2)(b) and § 87(2)(b) before the front desk so that their pedigree information could be entered into the command log. Officer Wright explained the details of the arrest to the desk sergeant at the time, identified via the investigation as Sergeant Ewa Lapinska. Officer Wright did not recall if he informed Sergeant Lapinska of the marijuana that was recovered from the police vehicle following transport. Any strings that may have been on § 87(2)(b) or § 87(2)(b)'s clothing were removed and § 87(2)(b) and § 87(2)(b) were lodged in the holding cell. Officer Wright knew that Officer Mendez removed each of the females to the bathroom individually to conduct a search of their person, but Officer Wright did not know the nature of the searches. Officer Wright did not know if Officer Mendez strip-searched § 87(2)(b) or § 87(2)(b) and Officer Mendez never indicated that she had done so. Neither § 87(2)(b) nor § 87(2)(b) indicated to Officer Wright, who processed their arrests, that they were strip-searched.

**Subject Officer: OFFICER MARITZA MENDEZ (104<sup>th</sup> Precinct)**

- *Officer Maritza Mendez is a § 87(2)(b)-old Hispanic female who is 5'4" tall and weighs 210 pounds. Officer Mendez has brown hair and brown eyes.*
- *On March 26, 2011, Officer Mendez worked from 2:00PM to 11:35PM. Officer Mendez and her partner, Officer Anthony Wright, were dressed in plainclothes and assigned to the 104<sup>th</sup> Precinct's Conditions Unit. Officer Mendez and Officer Wright were assigned to an unmarked grey vehicle, RMP number § 87(2)(b).*

**Memo Book**

Officer Mendez had several entries in her memo book regarding this incident (enc. D14-D16). At 4:10PM, Officer Mendez and Officer Wright conducted a car stop at the intersection of 75<sup>th</sup> Street and the Long Island Expressway. At 4:31PM, two females were under arrest by Officer Wright and transported to the 104<sup>th</sup> Precinct stationhouse. At 4:40PM, the females were removed from the RMP, at which time one Ziploc bag containing marijuana was found under the rear seat. Officer Wright vouchered the marijuana as part of the arrest evidence.

**CCRB Statement**

On July 15, 2011, Officer Mendez was interviewed at the CCRB (enc. D17-D19), § 87(2)(g)

Officer Mendez's reasons for stopping § 87(2)(b) and § 87(2)(b) were consistent with that of Officer Wright. The officers explained the reason for the stop to § 87(2)(b) and § 87(2)(b) and also indicated that they were under arrest. § 87(2)(b) became "very angry" and began to scream. Officer Mendez did not recall the exact statements § 87(2)(b) made, but did recall that § 87(2)(b) repeatedly screamed that she wanted to call her mother. Officer Mendez asked § 87(2)(b) to exit the vehicle three or four times, but § 87(2)(b) would not comply. Officer Mendez grabbed § 87(2)(b) by the upper arm and pulled her out of the car. Officer Mendez immediately tried to handcuff § 87(2)(b). Officer Mendez, however, had trouble doing so because § 87(2)(b) was moving her body

around and tried to reach into the vehicle, presumably to grab her handbag, which was on the floor of the vehicle. Officer Mendez repeatedly told § 87(2)(b) to place her hands behind her back.

After handcuffing § 87(2)(b) Officer Mendez placed her into the backseat of the police vehicle. Officer Wright handcuffed § 87(2)(b) and placed her into the backseat of the vehicle as well. Officer Mendez and Officer Wright then returned to § 87(2)(b)'s vehicle and searched it. Officer Mendez's account of the vehicle search was consistent with that of Officer Wright, but Officer Mendez noted that she assisted in the vehicle search. Officer Mendez placed § 87(2)(b) and § 87(2)(b)'s handbags into the trunk so that they would not be visible. The marijuana cigarette that § 87(2)(b) and § 87(2)(b) had been smoking was recovered during the search, but Officer Mendez did not recall what, if anything else, was recovered during the search. Officer Mendez did not recall an issue with either § 87(2)(b) or § 87(2)(b) during the search of the vehicle. Officer Mendez never used profanity towards § 87(2)(b) even in using her directives, and never threatened § 87(2)(b) with the use of force. At no time did Officer Mendez hear Officer Wright use profanity towards § 87(2)(b). After searching the vehicle, the officers locked all of the doors and the trunk, and left it parked at the location so that it could be picked up at a later time. There were no additional officers that responded to the location.

§ 87(2)(b) and § 87(2)(b) were removed to the 104<sup>th</sup> Precinct. During transport, § 87(2)(b) was fidgety in the backseat. Officer Mendez's account of where and how she and Officer Wright recovered marijuana from inside of their vehicle was consistent with that of Officer Wright. § 87(2)(b) and § 87(2)(b) were brought before the desk and their pedigree information was entered into the command log. Officer Mendez did not recall speaking to Sergeant Lapinska about the arrests or about the marijuana that was found in the police vehicle. Officer Mendez led § 87(2)(b) and § 87(2)(b) to the holding cell area. From there, Officer Mendez took each female to the bathroom individually, at which time she searched them. Officer Mendez did not recall how she searched § 87(2)(b) or § 87(2)(b) but noted that her general search procedure is to have the prisoner lift up their shirt, pull the bottom band of their bra outwards, and shake it to ensure that nothing falls out. Officer Mendez then frisks around the waistband area of their pants. Officer Mendez then unbuttons or loosens the pants and frisks around the waistband of the underwear. Officer Mendez then frisks the legs and looks inside of the shoes. Officer Mendez denied strip-searching either female and noted that she does not consider the type of search that she generally conducts to be a strip-search because no articles of clothing are removed.

**Witness Officer: SERGEANT EWA LAPINSKA (104<sup>th</sup> Precinct)**

- *Sergeant Ewa Lapinska is a § 87(2)(b)-old white female who is 5'6" tall and weighs 135 pounds. Sergeant Lapinska has blonde hair and blue eyes.*
- *On March 26, 2011, Sergeant Lapinska worked from 2:50PM to 11:57PM. Sergeant Lapinska was dressed in uniform and was the desk officer at the 104<sup>th</sup> Precinct stationhouse.*

**Memo Book**

Sergeant Lapinska did not have any entries in her memo book regarding this incident (enc.D20-D21). All activities completed by Sergeant Lapinska during her tour were documented in the 104<sup>th</sup> Precinct's Command Log (enc. E4-E9).

**CCRB Statement**

On July 6, 2011, Sergeant Ewa Lapinska was interviewed at the CCRB (enc. D22-D23). Sergeant Lapinska had no recollection of this incident. Sergeant Lapinska did not recall speaking with Officer Wright or Officer Mendez about the arrests of § 87(2)(b) and § 87(2)(b). Moreover, Sergeant Lapinska did not recall Officer Wright or Officer Mendez informing her that drugs were found inside of their police vehicle after § 87(2)(b) was removed from it. Sergeant Lapinska noted that in order for an officer to obtain authorization for a strip-search, the officer has to explain the details of the arrest to the desk officer and must also explain why they suspect that someone may have more drugs or contraband on

their person that has not/cannot be found through a regular search of their person. Sergeant Lapinska indicated that only the desk officer can authorize a strip-search. Sergeant Lapinska did not recall if § 87(2)(b) was strip-searched or if she authorized the strip-search of § 87(2)(b).

### **NYPD Documents**

#### **Command Log**

There are no entries in the 104<sup>th</sup> Precinct's Command Log that indicate that § 87(2)(b) was strip-searched (enc. E4-E9).

#### **Property Voucher**

Property voucher § 87(2)(b) was prepared for both § 87(2)(b) and § 87(2)(b) (enc. E3). As per the aforementioned voucher, a marijuana cigarette, a plastic bag of marijuana, and prescription hydrocodone pills were vouchered as arrest evidence.

### **Disposition of Arrest**

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- As of August 3, 2011, § 87(2)(b) has not filed a Notice of Claim with the City of New York regarding this incident (enc. G1).

### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian CCRB History**

- This is § 87(2)(b)'s first and only CCRB complaint (enc. B3). § 87(2)(b)

### **Subject Officer CCRB History**

- The CCRB has not substantiated any allegations against Officer Wright in his seven years of service to the NYPD (enc. B1).
- The CCRB has not substantiated any allegations against Officer Mendez in her seventeen years of service to the NYPD (enc. B2).

## **Conclusion**

### **Identification of Subject Officers**

- Officers Mendez and Wright acknowledged interacting with § 87(2)(b)

### **Investigative Findings and Recommendations**

#### **Allegations Not Pleaded**

- § 87(2)(g)

- § 87(2)(g)



§ 87(2)(g)

- **Allegation A) Discourtesy: Officer Maritza Mendez spoke obscenely to § 87(2)(b) at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**
- **Allegation B) Abuse of Authority: Officer Maritza Mendez threatened § 87(2)(b) with the use of force at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**
- **Allegation D) Discourtesy: Officer Anthony Wright spoke obscenely to § 87(2)(b) at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**

§ 87(2)(b) alleged that Officer Mendez and Officer Wright used profanity towards her and that Officer Mendez threatened her with the use of force. § 87(2)(b) alleged that Officer Mendez used profanity towards § 87(2)(b) and threatened § 87(2)(b) with the use of force, but she noted that she did not hear Officer Wright use profanity towards § 87(2)(b). Both Officer Mendez and Officer Wright denied using profanity towards § 87(2)(b). Moreover, both Officer Mendez and Officer Wright denied that Officer Mendez threatened § 87(2)(b) with the use of force.

§ 87(2)(g)

- **Allegation C) Abuse of Authority: Officer Anthony Wright searched the vehicle in which § 87(2)(b) was an occupant at the intersection of the Long Island Expressway and 75<sup>th</sup> Street in Queens.**

It is undisputed that Officer Wright searched § 87(2)(b)'s vehicle.

In order for an officer to search a vehicle and any containers found therein, the officer must have probable cause to believe that it contains contraband, a weapon, or evidence of a crime *People v. Coutin*, 78 N.Y.2d 930 (1991), enc. A1.

It is undisputed that § 87(2)(b) and § 87(2)(b) were smoking marijuana inside of § 87(2)(b)'s vehicle and that they were under arrest for doing so. Additionally, Officer Wright indicated that he observed § 87(2)(b) to be in possession of the marijuana cigarette and that he observed it on the floor of the vehicle after § 87(2)(b) was asked to exit the vehicle. Both Officer Wright and Officer Mendez indicated that the marijuana cigarette was recovered from inside of the vehicle and that the vehicle was then searched to ascertain whether there was any additional drugs and/or contraband located therein. § 87(2)(g)

§ 87(2)(g)

- **Allegation E) Abuse of Authority: Officer Maritza Mendez strip-searched § 87(2)(b) inside of the 104<sup>th</sup> Precinct stationhouse.**

§ 87(2)(b) alleged that Officer Mendez strip-searched her, a claim that Officer Mendez denied. Officer Mendez, however, conceded to a regular search of § 87(2)(b) in which she ordered § 87(2)(b) to lift up her shirt and pull out and then shake the bottom band of her bra. While Officer Mendez did not consider the aforementioned type of search to be a strip-search, the fact that § 87(2)(b)'s undergarments, and likely her breasts, were exposed makes the search a strip-search.

According to Patrol Guide Procedure 208-05, strip-searches are permitted when an officer has a reasonable belief that an individual has contraband on his or her person that would not be found during a less invasive search (enc. A2-A3).

§ 87(2)(g)

§ 87(2)(g)

- § 87(4-b) § 87(2)(g)

Team:   3  

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date